

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

Paper No. 16

MAILED

UNITED STATES PATENT AND TRADEMARK OFFICE

AUG 26 2003

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RUSSELL FREDERICK GLOOR, KATHLEEN MOORE KURLANSKI
and MYLA STEELMAN MILLER

Appeal No. 2003-1654
Application No. 09/439,310

ORDER REMANDING TO EXAMINER

Appellants filed a Reply Brief on May 16, 2003 (Paper No. 16), which has been matched with this application at the Board of Patent Appeals and Interferences. According to the Manual of Patent Examining Procedure (MPEP) § 1208.03:

Under 37 CFR [§] 1.193(b)(1), appellant may file a reply brief as a matter of right within 2 months from the mailing date of the examiner's answer or supplemental examiner's answer. . . . The primary examiner must then (A) acknowledge receipt and entry of the Reply Brief by using form paragraph 12.47 on form PTOL-90; or (B) reopen prosecution to respond to the reply brief. See MPEP § 1208.02.

Accordingly, it is

ORDERED that the application is remanded to the examiner to acknowledge receipt and entry of appellants Reply

Appeal No. 2003-1654
Application No. 09/439,310

Brief filed May 6, 2003 (Paper No. 15), or to reopen prosecution to respond to the Reply Brief, and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

KIMBERLY JORDAN
Program and Resource Administrator
(703) 308-9797

KJ:clm

Appeal No. 2003-1654
Application No. 09/439,310

Jack P. Friedman
Schmeiser, Olsen & Watts
3 Lear Jet Lane
Suite 201
Latham, NY 12110